

.09/873,505

- a) a starch-encapsulated hydrophobic compound; and
- b) water,

wherein said starch-encapsulated hydrophobic compound is essentially non-separable in said personal care or cosmetic aqueous formulation.

8. (amended) The aqueous formulation of claim 1 wherein said hydrophobic compound is selected from the group consisting of mineral oils, oils of plant and animal origin, synthetic oils, fats, lipids, fatty acids, fatty alcohols, esters, ethers, wax, jojoba oil, soybean oil, silicones, vitamins, vitamin A, vitamin D, vitamin E, and vitamin K, fragrances, emollients, petrolatum, pigments, water-insoluble polymers, anti-perspirants, sun screen actives, benzophenone-3 (oxybenzone), octyl methoxy cinnamate, water insoluble solvents, insect repellants, and mixtures thereof.

Remarks

Claims 1-25 are pending and stand rejected.

Claims 1, and 8 have been amended.

35 U.S.C. §112

Claims 8 stands rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In particular, the Examiner points to the phrase "vitamins vitamin A, D, E, and K". Applicant has amended claim 8 to particularly point out the claimed subject matter by separately listing "vitamins, vitamin A, vitamin d, vitamin E, and vitamin K". The Markush group now contains both the broad "vitamins", and the specific vitamins A, D, E, and K. A Markush group may properly include such double inclusion, MPEP 2173.05(h).

35 U.S.C. §103

Wurzburg

Claims 1-4 and 8-25 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Wurzburg et al. ("Modified Starches: Properties and Uses", 1986) in view of Eskins et al (US Patent Number 5,882,713. Applicant has attached to this amendment the full section of the cited Wurzburg reference